

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01362 Hon. David A. Faber
CABELL COUNTY COMMISSION, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01665 Hon David A. Faber

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT:
STATUTE OF LIMITATIONS**

Defendants AmerisourceBergen Drug Corporation, McKesson Corporation, and Cardinal Health, Inc., by counsel, move pursuant to Federal Rule of Civil Procedure 56(a) for summary judgment on the nuisance claims alleged by Plaintiffs The City of Huntington and Cabell County Commission. The evidence before the Court discloses that there is no genuine dispute as to any material fact bearing on this motion, in that Plaintiffs' claims accrued more than one year prior to the filing of their respective actions. Because neither the continuing tort doctrine nor the fraudulent concealment doctrine may be applied to render timely Plaintiffs' dilatory filings, Defendants are entitled to judgment as a matter of law.

WHEREFORE, Defendants respectfully request that the Court: (i) grant this motion; (2) issue a conforming Order directing the entry of summary judgment to Defendants on all of Plaintiffs' claims; and (3) accord Defendants such other and further relief as may be deemed just.

Dated: March 20, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Steven R. Ruby, counsel for Defendant Cardinal Health, do hereby certify that service of the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT: STATUTE OF LIMITATIONS** was filed electronically via the CM/ECF electronic filing system and served on all counsel registered in the system.

Dated: March 20, 2020

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